

**Becker County Board of Adjustment
July 9, 2015**

Present: Members Jim Kovala, Jim Bruflodt, Harry Johnston, Steve Spaeth, Roger Boatman, Lee Kessler and Zoning Staff Debi Moltzan.

Chairman Bruflodt called the meeting to order at 7:00 pm. Debi Moltzan took minutes.

Minute approval. Kovala stated that there was a typo on Page 4, 5th Order of Business. The nine should be a parenthesis - '925)' should be '(25)'. Kessler made a motion to approve the minutes with the one typing correction. Spaeth second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting. Spaeth read the criteria in which a variance could be granted.

At this time, Moltzan announced that the Section Order of New Business, application by Bridget Johnson, was tabled and the applicant's request and would not be heard that this meeting.

FIRST ORDER OF BUSINESS: Rebecca Brandt. This application had been tabled at the June 2015 meeting at the applicant's request. The original request was to construct an attached garage onto a nonconforming structure eight (8) feet from the side lot line. The amended request was to construct an attached garage four (4) feet from the side lot line.

Keith and Rebecca Brandt, along with Bruce Nornes, explained the application to the Board. The edge of the septic tank had been located and the garage was moved over to meet the ten (10) foot setback from the tank, now actually being eleven (11) feet from the tank.

Spaeth questioned the size of the existing garage. Brandt stated that the old garage was 14 ft. by 27 ft. and the new garage would be 32 ft. by 36 ft. Spaeth questioned what the practical difficulty was. Brandt stated that the practical difficulty was the location of the septic system. Spaeth stated that he felt that this was too large of a garage for this small lot and that if the garage was reduced by six (6) feet in width, it would not require a side lot variance.

Bruflodt questioned if a smaller garage was constructed, would it still be usable. Brandt stated that it was their desire to have the larger garage. Boatman asked the Brandt's if they would consider shrinking the garage. Brandt's answered that they would rather not. Kessler questioned if the Brandt's had a choice, would they rather have a 30 ft. by 32 ft. garage or have the variance rejected. Bruflodt stated that the Brandt's already have a nonconforming house, in which they have an unpermitted patio and a sidewalk that does not meet setbacks.

Brufloft explained that any attachment to a nonconforming structure would require a variance and Brandt questioned if the difference could be split. Further discussion was held regarding the construction of the foyer and attached garage, setbacks original request and amended request, size of the existing structure, the size of the addition and the size of the lot.

Johnston and Brufloft stated that the foyer and attached garage would be larger than the existing structure. Kessler stated that he had not gotten an answer to his original question as to whether or not the Brandt's would rather have a smaller garage or have the variance denied. Brandt's stated that they could probably make a smaller garage work, but would have to redesign their plans.

No one spoke in favor of the application. No one spoke in opposition to the application. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Further discussion was held. Spaeth felt that the variance should be denied due to the fact that it was an extremely large structure for a small lot. Johnston and Kovala agreed.

Motion: Kessler made a motion to deny the variance as originally requested for eight (8) feet from the side lot line and the amended request for four (4) feet from the side lot line, based on the fact that no practical difficulty could be proven; but approve a variance to construct an attached garage onto a nonconforming structure with the garage and foyer to meet the side yard setback of ten (10) feet based on the fact that the existing structure was located out of the shore impact zone and there is no other reasonable location for an attached garage. Boatman second. All in favor. Motion carried. Variance approved with amendments.

SECOND ORDER OF BUSINESS: Blain Anderson. This application was tabled at the June 2015 meeting by the applicant. The original request was to construct a dwelling seventy-five (75) feet from the ordinary high water mark of the lake due to the location of an existing power line.

Anderson explained that after the last meeting, he contact the electrical company and Trevor Gwalzdon, Line Superintendent for Itasca-Mantrap Electric, gave written permission for Anderson to construct a structure no closer than fifteen (15) lateral feet of the overhead power line. Anderson further explained the costs and issues in trying to move the power line and that it would affect seven (7) to eight (8) property owners.

Kovala stated that he had talked to Gwalzdon and could not get a definite answer to the cost of relocating the power line due to the fact that there were too many unknown factors at the present moment such as how many poles would be needed, how may guy wires, how much underground,

etc. Kovala also stated that Gwalzdon stated that the required setback from the power line was twenty-five (25) feet, but allowing Anderson to go to fifteen (15) feet.

Boatman and Johnston felt that the location of the existing power line did constitute a practical difficulty. Kovala questioned if the house could be turned, this would put the house ten (10) feet further from the lake. Anderson stated that he would have to redesign the house in order to accomplish that.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Steve Eickman, in opposition to the application. At this time, testimony was closed and further discussion was held.

Johnston questioned if there would be a patio. Anderson stated that there would be a small concrete flat patio and the house would be slightly raised for drainage purposes. Kessler stated that he felt the power line was a practical difficulty. Brufloft stated that Anderson had done what the Board had asked, check the options and get a definite setback from the power company in writing.

Motion: Boatman made a motion to approve a variance to construct a dwelling seventy-five (75) feet from the ordinary high water mark of the lake due to the practical difficulty of an existing power line running through the property. Johnston second. All in favor except Spaeth. Majority in favor. Motion carried. Variance approved.

THIRD ORDER OF BUSINESS: Sam Feil. Request a variance to construct a storage shed eighty-six (86) feet from the ordinary high water mark of the lake for the property described as Outlot B, Blue Water Bay, Section 19, Township 138, Range 42, Lake Eunice Township.

Feil explained the application to the Board. The proposed structure would be eighty-six (86) feet from the ordinary high water mark of the lake instead of the required one hundred fifty (150) feet.

Boatman stated that when they walked the property, they found that the structure would only be about sixty (60) feet from the water on the northerly side. Feil stated that the stake on the West by the DNR, but nothing to the North or East side. Feil further stated that the lot size is supposed to be three (3) acres, but the water is high.

Brufloft questioned the size and the location of the proposed structure. Feil stated that he owned the land and wanted a shed. Kessler stated that the proposed setback is that of half of the required, and even possibly in the shore impact zone.

Further discussion was held on the size of the lot, location of the ordinary high water mark of the lake, size of the building, and whether or not the lot is buildable.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Spaeth felt there was no practical difficulty to warrant a variance, Feil bought the property knowing the restrictions. Brufloft felt the garage was excessive for the amount of land. Spaeth further commented that the legal description was Outlot B, which indicates to him that the lot was not meant for development; however there is no written documentation on that.

Motion: Spaeth made a motion to deny the variance to construct a storage shed eighty-six (86) feet from the ordinary high water mark of the lake due to a lack of practical difficulty. Kovala second. All in favor. Motion carried. Variance denied.

FOURTH ORDER OF BUSINESS: Bridget Johnson. This application was tabled by the applicant prior to the meeting.

FIFTH ORDER OF BUSINESS: Informational Meeting. The next informational meeting is scheduled for Thursday, August 6, 2015 at 7:00 am. In the Third Floor Meeting Room, Original Courthouse.

Since there was no further business to come before the Board, Boatman made a motion to adjourn the meeting. Kovala second. All in favor. Motion carried. Meeting adjourned.

Jim Brufloft, Chairman

ATTEST

Eric Evenson-Marden, Zoning Supervisor